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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

JAMES LEE ROGERS,

Defendant and Appellant.

E042041

(Super.Ct.No. SWF007102)

OPINION

APPEAL from the Superior Court of Riverside County. Michael S. Hider, Judge.
(Retired judge of the Merced Super. Ct. assigned by the Chief Justice pursuant to art. VI,
§ 6 of the Cal. Const.) Affirmed.

James M. Crawford, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

On October 12, 2006, defendant, represented by counsel, pleaded guilty to two
counts of committing a conspiracy to use a burning device for safecracking (Pen. Code,

§§ 182/464)¹ (counts 1 & 10) and admitted that he had committed the crime for the benefit of, at the direction of, and in association with a criminal street gang (§ 186.22, subd. (b)(1)(A)). Defendant also pleaded guilty to committing the crime of receiving stolen property (§ 496, subd. (a)) (count 5). In exchange, the remaining allegations were dismissed, and defendant was promised a stipulated total prison term of seven years in state prison.

On the same day, in accordance with the negotiated disposition, defendant was sentenced to state prison for seven years consisting of the low term of three years on count 10, a consecutive upper term of four years for the gang enhancement allegation, a concurrent low term of three years on count 1, and a concurrent midterm of two years on count 5. The remaining allegations were dismissed. The court also imposed a \$1,400 restitution fine and a \$1,400 parole revocation fine, staying the latter pending successful completion of parole. Defendant received a total of 1,608 days of presentence custody credits.

Defendant appealed, and upon his request this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 [87 S.Ct. 1396, 18 L.Ed.2d 493] setting forth a statement of the case, a summary of the facts, and potential arguable issues and requesting this court to undertake a review of the entire record.

¹ All future statutory references are to the Penal Code unless otherwise stated.

We offered defendant an opportunity to file a personal supplemental brief, and he has not done so.

We have now concluded our independent review of the record and find no arguable issues.

The judgment is affirmed.

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RICHLI
J.

We concur:

HOLLENHORST
Acting P.J.

McKINSTER
J.